



Penrith Town Council

Unit 1, Church House, 19-24 Friargate, Penrith, Cumbria, CA11 7XR

Tel: 01768 899 773 Email: office@penrithtowncouncil.co.uk

DATE: 18 June 2018

Dear Councillor

You are hereby summoned to attend the:

MEETING OF THE TOWN COUNCIL

to be held on:

Monday 25 June 2018 at 6:00 pm Room 2, Parish Centre,
St Andrews Place.

Mrs V. Tunnadine

TOWN CLERK

(Please Note: Under the Openness of Local Government Bodies Regulations 2014 this meeting has been advertised as a public meeting and as such could be filmed or recorded by broadcasters, the media or members of the public)

When it is proposed to consider the following business:

AGENDA FOR THE MEETING OF THE TOWN COUNCIL MONDAY 25 JUNE 2018

1. Apologies

To receive apologies for absence.

2. Minutes Approval

To approve the minutes of the meeting held on 21 May 2018.

3. Interests & Dispensations

To disclose member's interests in matters to be discussed and to decide requests for dispensations.

To receive any declarations of interest by elected or co-opted Members of any disclosable pecuniary or other registrable interests relating to any items on the agenda for this meeting and to decide requests for dispensations. Members are reminded to make any declarations at any stage during the meeting if it becomes apparent that this may be required when a particular item or issue is considered

Note: If a Member requires advice on any item involving a possible declaration of interest which could affect his/her ability to speak and/or vote, he/she is advised to contact the clerk in advance of the meeting.

4. Public bodies (admission to meetings) act 1960

To consider whether any items should be considered without the presence of the press and public, pursuant to the Public Bodies (Admission to Meetings) Act 1960 Section 2.

5. A66 repairs

To receive a presentation from Highways England to close the A66 from junction 40 to Appleby for seven weekends over September and October 2018.

6. Public participation

Members of the public who have requested in writing to speak prior to the meeting, are invited to speak on matters related to the agenda for up to three minutes.

To receive reports from:

- a. Cumbria County Councillors
- b. Eden District Councillors
- c. Town Councillors
- d. The Mayor

7. Finance Committee

- a.** Members are asked to note that the Councils Asset Transfer Support Officer has completed his contract. His support, hard work and guidance has been appreciated and acknowledged.
- b.** That the following decisions from the Council's Finance Committee are noted.

I. Internal Auditor Appointment

That the Finance Committee has appointed Mrs Airey as the Councils Internal Auditor for 2018-19.

II. Finance Roles

- That Cllr. Whipp continue as lead Member for Devolution as Cllr. Whipp no longer holds a mayoral role after the Annual Meeting of the Town Council elections.
- That from 2 July 2018 Mr J. Jones will act as the Council's Responsible Finance Officer in accordance with the Local government Act 1972 Section 151.
- That from 2 July 2018 in the absence of Mr J. Jones, Mr I. Parker will act as the Council's Deputy Responsible Finance Officer in accordance with the Local government Act 1972 Section 151.
- That from 2 July 2018 in the absence of Mr Parker, Mrs V. Tunnadine will act as the Council's Deputy Responsible Finance Officer in accordance with the Local government Act 1972 Section 151.
- That as the Chairman of the Council/Mayor is required to sign the legal agreements for the transferred assets he will also continue to attend the devolution meetings with EDC and be kept informed of progress

III. Council Plan 2017-22

- That the Council Plan has been reviewed by each Council committee and members noted the progress made.
- That the new work plan for the Finance Committee was approved.
- That the refreshed Council Plan was approved.

- c.** Members are asked to consider and approve the following recommendations from the Council's Finance Committee:

I. Budget Monitoring Report Year End 31 March 2018 Report

To approve the year-end Budget Monitoring report to the 31 March 2018.

II. Bank Reconciliation

To approve the Bank Reconciliation for year-end 31 March 2018.

III. Internal Audit Report

To approve the internal audit report for year-end 31 March 2018.

And to approve the:

IV. Annual Governance and Accounts Return 31 March 2018

- a) Members are asked to note that the Town Council must carry out a review of the effectiveness of the system of internal control within the fiscal year prior to the completion of the Annual Governance Statement. The review was carried out in September 2017 by the Finance Committee and approved by Full Council 27 November 2017 after members had considered the findings of the review.
- b) To consider and approve the Annual Governance and Accounts Return (AGAR) 31 March 2018.
- To approve the Annual Governance Statement.
 - To approve the Accounting Statements.
 - On behalf of Penrith Town Council authorise the Chairman to sign the Accounting Statements.

8. Fairhill – Payment due from Eden District Council

To consider the report and the recommendations contained within.

9. Neighbourhood Plan

To accept the recommendation from the Councils Neighbourhood Plan Group to approve the draft Neighbourhood Plan prior to its imminent release to informal consultation.

10. Mayoral Roles

To note that for this Mayoral year Cllr. Jackson Mayor of Penrith will act as the lead member for projects related to the centenary of the World War 1 Armistice.

To note that for this Mayoral year Cllr. Baker will act as the lead member for projects related to Keep Penrith Clean.

11. Ward Walks

To consider the commencement of Councillor ward walks to facilitate electorate engagement in all Penrith wards.

12. Next Meeting

To note the next meeting is scheduled for 24 September 2018.



Penrith Town Council

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Tel: 01768 899 773 Email: office@penrithtowncouncil.co.uk

DRAFT Minutes of the:

ANNUAL MEETING OF THE TOWN COUNCIL

Held on:

Monday 21 May 2018 at 7.15 pm Room 2, Parish Centre,
St Andrews Place.

PRESENT:

Cllr. Baker	Penrith Pategill Ward
Cllr. Bowen	Penrith East Ward
Cllr. Briggs	Penrith East Ward
Cllr. Burgin	Penrith South Ward
Cllr. Clark	Penrith South Ward
Cllr. Connelly	Penrith West Ward
Cllr. Donald	Penrith North Ward
Cllr. Jackson	Penrith North Ward
Cllr. Lawson	Penrith Carleton Ward
Cllr. Monk	Penrith West Ward
Cllr. Thompson	Penrith West Ward
Cllr. Whipp	Penrith North Ward

DRAFT MINUTES
OF THE ANNUAL MEETING OF THE TOWN COUNCIL
21AY 2018

PTC18/01 Election of a Chairman

Members considered and voted for the election the Chairman of the Council.

Moved, seconded and **RESOLVED THAT:**

Councillor Jackson be elected Chairman for the 2018-2019 municipal year. Cllr. Jackson assumed the Chair and Town Mayor roles and made a declaration of acceptance of office in the prescribed form.

PTC18/02 Appointment of a Vice Chairman

Members considered and voted for the appointment of the Vice Chairman of the Council.

Moved, seconded and **RESOLVED THAT:**

Councillor Baker be appointed Vice-Chairman for the 2018-2019 municipal year. Cllr. Baker assumed the Deputy Chair and Deputy Town Mayor roles and made a declaration of acceptance of office in the prescribed form.

PTC18/03 Apologies

Members received apologies for absence from Cllr. Kenyon.

PTC18/04 Minutes Approval

Members considered the minutes of the meeting held on 26 February 2018.

RESOLVED THAT:

The Chairman be authorised to sign the minutes of the meeting held on 26 February 2018 as a true and accurate record.

PTC18/05 Interests & Dispensations

Members were asked to disclose their interests in matters to be discussed and to decide requests for dispensations. Members were reminded to review their Register of Interests to ensure their register was up to date. Cllr. Lawson informed the meeting that he was related to an applicant for co-option and Cllr. Jackson reported that he was a friend of an applicant for co-option

PTC18/06 Community Governance Review & Co-Option

- I.** Members were asked to consider and resolve a response to the District Council which would provide an explanation of why the Council submitted a request to reduce the number of councillors from 19 to 15 as part of the District Council's Community Governance Review.

RESOLVED THAT:

The following response be submitted:

Penrith Town Council respectfully request that the number of parish councillors be reduced by four. On 1 November 2016 the Council contacted Eden District Council and formally requested a review of the electoral arrangements of the parish of Penrith, to reduce the number of councillors because since the general election in May 2015, the parish had operated with vacancies despite concerted efforts to recruit co-optees.

According to the Guidance on Community Governance Reviews produced by the Local Government Boundary Commission for England and Communities and Local Government, the 1972 Act, as amended, each parish council must have at least five councillors and there is no maximum number of councillors. The guidance records that there are no rules relating to the allocation of councillors between parish wards, but each parish ward must have at least one parish councillor.

The Town Council could therefore operate with as few as six councillors.

The Council understands that most parish councils with a population of between 10,001 and 20,000 have between 13 and 27 councillors and that the National Association of Local Councils Circular 1126 suggests that the minimum number of councillors for any parish should be seven and the maximum 25.

Throughout the district and county, numerous parish and town councils have councillor vacancies as it is very difficult to recruit to a demanding voluntary role.

In 2019, the Town Council will apply for the General Power of Competence and the Local Council Gold Award Scheme. The eligibility criteria for both activities require an electoral mandate of at least two thirds of the members of the Council holding office as a result of being declared elected. To achieve these important priorities, the Council requires a reduction in membership.

- II.** Members were asked to consider, the co-option of members to Council. The press and public were asked to leave the room to enable the co-option applications to be considered. The press and public returned to the room to allow for voting to take place.

RESOLVED THAT:

The following applicants be co-opted to Penrith Town Council:

- a) Mr Bowen – Penrith East Ward
- b) Mr Briggs – Penrith East Ward
- c) Mr Donald – Penrith North Ward

Co-optees completed a declaration of acceptance of office form in the prescribed form and assumed their place in the meeting.

PTC18/07 Policies & Procedures Review

Members considered the review of the Council's Policies and Procedures and agreed the recommendations within the report:

RESOLVED THAT:

I. Delegation Scheme

The amendments to appendix B - the records the financial delegation to officers be approved as follows:

- a. Services and Contracts Manager: £5000 delegated authority for expenditure related to the Council's assets and services. This level of delegation would enable the Services and Contracts Manager to respond promptly to emergency repairs, and renewals related to the Council's assets.
- b. Responsible Finance Officer: Delegated authorities remain as recorded in the Council's Financial Regulations.
- c. Delegated authority for expenditure up to £300 cash per day via business card for each staff member.
- d. Delegated authority for expenditure up to £1000 per day via invoice for each staff member.
- e. To remove from appendix B the records the financial delegation to staff: Lloyds Card delegation as the card is no longer in use.

II. Internal Control

Members noted that this policy is reviewed annually with the Council's risk assessments, in September, by the Council's Finance Committee, part of the Council's compliance with the Audit and Financial Regulations.

PTC18/07 Policies & Procedures Review Continued

III. Existing Data Policies

Members noted that these policies had been superseded due to changes in the law, effective from 25 May 2018.

New/Amended Data Policies

- Members noted that these policies had been amended or developed to ensure that the Council continues to protect personal data lawfully and to ensure the Council's compliance with the new General Data Protection Regulations.
- Members noted that these amendments and new policies have been recommended by the Council's Data Protection Officer, IT contractor, the National Association of Local Councils and the Town Clerk.

- The overarching principles of data protection contained within the adoption notices for the listed policies were adopted and members authorised the Chairman to sign the adoption notices.

IV. Standing Orders Amendments

The revised Standing Orders which have been produced by the National Association of Local Councils replacing the 2013 orders which were adopted by the Council in May 2015, be approved.

V. Consultation Policy

The Consultation Policy be approved.

PTC18/08 Committee Membership

Members considered the appointment of the members and deputies to serve on the under mentioned Committees:

a. Planning:

Cllr. Baker
Cllr. Bowen
Cllr. Burgin standing deputy
Cllr. Jackson
Cllr. Kenyon

b. Finance:

Cllr. Baker
Cllr. Bowen
Cllr. Burgin
Cllr. Jackson
Cllr. Kenyon
Plus, new chair of CCEG Committee – to be confirmed

c. Communities, Culture & Economic Growth:

Cllr. Baker
Cllr. Briggs
Cllr. Burgin
Cllr. Connelly
Cllr. Donald
Cllr. Jackson
Cllr. Kenyon
Cllr. Lawson

PTC18/09 Appointments to External Bodies

Members considered the appointment of the representatives on the under mentioned bodies:

RESOLVED THAT:

- a. Eden Local Association of Local Councils – Cllr. Lawson and in his absence an officer will attend
- b. Omega Proteins – Officer
- c. Friends of Coronation Gardens – Cllr. Burgin
- d. Friends of Eden Valley Public Transport – Cllr. Jackson and Cllr. Briggs

PTC18/10 Insurance

Members noted that the Council insurance policy had been renewed by approval of the Finance Committee and commences 18 May 2018 for a three-year term.

PTC18/11 Meetings

Members considered the dates and times of ordinary meetings of the Council and Committees for the ensuing year.

RESOLVED THAT:

The dates and times of ordinary meetings of the Council and Committees were approved as follows: (OVERLEAF)

PTC18/11 Meetings Continued

2018 TO 2019	FULL COUNCIL	FINANCE	PLANNING	CCEG
VENUE	ST. ANDREWS	BOARD ROOM	BOARD ROOM	BOARD ROOM
TIME	6:00 – 8:00 PM	4:00 – 6:00 PM	2:00 – 3:00 PM	4:00 - 5.30 PM
MAY	21			22
JUNE	25	11	4	
JULY			2	24
SEPTEMBER	24	10	3	25
OCTOBER		15 BUDGET	1	
NOVEMBER	26	12	5	
DECEMBER		3 BUDGET	3	4
JANUARY 2019	28	14	7	22
FEBRUARY			4	
MARCH	25	11	4	19
APRIL	29 TOWN		1	
MAY	20 ANNUAL	13		

PTC18/12 Meeting Room hire Fees

Members considered the Meeting Room hire report, the draft booking form and the recommendations within the report to fix the fees for meeting room hire.

RESOLVED THAT:

- I.** The following fees for the hire of the Boardroom and Meeting Room for meetings at the following hourly rates for 2018-19:
 - a) Businesses, large organisations, non-political organisations, other authorities:
 - Boardroom - £12.00ph
£30.00 for a morning (3 hours) and £42.00 for the afternoon
 - Meeting Room:
£6.00ph
£15.00 for a morning (3 hours) and £21.00 for the afternoon (4 hours)
 - For combined usage:
£15.00ph
£37.00 for a morning and £52.00 for the afternoon (4 hours)
 - b) Registered charities: Discounted charge rate 20% of hourly rate.
 - c) Local groups affiliated to the Town Council: No charge
 - Penrith Community Gardeners
 - Fairhill Community Group
 - Penrith Allotment Association
 - Penrith in Bloom
- II.** The decision regarding the rate to charge the hirer is delegated to the officers of the Council.
- III.** The booking form be approved.
- IV.** That the matter be reviewed by the Finance Committee in October.

PTC18/13 Resolutions Report

Members considered and noted the Resolutions Report.

PTC18/14 Budget Carry Forwards

Members considered the Report and the recommendations contained within.

RESOLVED THAT:

- I.** Budgets of £56,000, as set out in section 4 of the report, are carried forward from 2017/18 to 2018/19, this being funded by off-setting underspend in 2017/18.
- II.** If the final financial outturn differs significantly from that on which this report is based, then the Responsible Financial Officer reports back to Council.

PTC18/15 War Memorials

Members considered the Report and the recommendations contained within.

RESOLVED THAT:

- I.** The Town Council accepts ownership of the war memorial obelisk in St Andrew's churchyard in exchange for the St Andrew's Parochial Church Council (PCC) accepting ownership of the two war memorial plaques within the church.
- II.** The Town Council confirms the ownership as per recommendation I. with the PCC.

PTC18/16 Train Service Reduction

Members considered the reduction in train services to Penrith. Members were informed that from 21 May 2018 the revised timetable was in operation. The original Transpennine proposal was to remove northbound journeys at 07:53, 09:20, 15:55 and 16:31. The Council has been advised on the day of this meeting that the journeys that impacted on local schools had been saved, these being 15:55 and 16:31. There are no longer trains at 07:53 and 09:20. There are northbound commuting trains at 06:53, 07:34 and 08:54.

PTC18/17 Neighbourhood Plan

Members received an oral progress report from Cllr. Baker. The draft proposals would go to the June Full Council for members approval prior to the public consultation that would run for approximately four weeks. The Neighbourhood Plan Steering Group would review the consultation results and make any required amendments. The intention is that once the Neighbourhood Plan has been considered by the Inspector, it will go to public referendum in May 2019.

Cllr, Baker invited the members to attend an informal meeting to discuss the draft on the 7 June 4:00pm, Town Council Board Room.

PTC 18/18 Motion from Cllr. Whipp

Members considered the following motion from Cllr. Whipp:

To investigate the potential for the Town Council to provide a van to undertake works duties.

The associated report sets out to Members options and background information and seeks to assist Members to determine the Town Council's position on the provision of a vehicle to be used for Council work purposes.

RESOLVED THAT:

The matter to be deferred until September to allow for further research.

PTC18/19 Cornmarket Bandstand

Members considered the report and recommendations contained within.

RESOLVED THAT:

- I.** The Cornmarket Bandstand be made available for hire by third party organisations.
- II.** Permission to be granted to those persons and organisations in receipt of a Street Trading Consent to use the Cornmarket Bandstand as set out in paragraph 3.11 of the report.
- III.** The Booking Form and Terms and Conditions of hire be approved as referred to in paragraph 3.14, Appendix A and B of the report.
- IV.** Authority to grant permission or otherwise following receipt of an event application form is delegated to council officers as set out paragraph 3.15 of the report.
- V.** The fees and charges for use of the Cornmarket Bandstand be approved as set out in paragraph 3.16 of the report:

Group	Cost (£)
Community Organisations, Charities, Constituted Groups.	Free of Charge
Commercial Events.	£12.00 per hour; or £30.00 per morning (3 hours) or £42.00 for the afternoon
Private Business use for Promotional purposes.	£12.00 per hour; or £30.00 per morning (3 hours) or £42.00 for the afternoon

PTC18/20 Membership of Professional Bodies

Members considered continuing the Council's subscription to the Cumbria Association of Local Councils and the Society of Local Council Clerks.

RESOLVED THAT:

- I.** The Council continues membership of the Cumbria Association of Local Councils (CALC) and the Society of Local Council Clerks (SLCC).
- II.** Membership of CALC £1,072.00.
- III.** Membership of SLCC £308.

PTC18/21 Closure of A66 for repairs

Members considered Highways England's proposal to close the A66 from junction 40 to Appleby for seven weekends over September and October 2018, after receiving an oral report from Cllr. Whipp.

RESOLVED THAT:

The Deputy Town Clerk contact Highways England for information about their consultation and proposals and invited the organisation to attend Full Council in June.

PTC18/22 Next Meeting

Members noted that the next meeting was scheduled for 25 June 2018.



Penrith Town Council

FULL COUNCIL 25 June 2018

BUDGET MONITORING REPORT: 1 APRIL TO 31 MARCH 2018

AUTHOR: D. RAWSTHORN/V.TUNNADINE

ITEM NUMBER: 7cI

RECOMMENDATIONS

That the report be approved, by recommendation of the Council's Finance Committee

LAW

The Audit Commission Act 1998 and subsequent regulations govern the accounting and audit practices and financial management of the Council.

1 Introduction

1.1 This report monitors the Council's actual spend against its agreed budget for the 12 months to 31 March 2018. The budget shown is the revised budget for 2017-18 as agreed by council on 26 February 2018.

1.2 The report refers in several places to the roll forward of certain budgets for specified reasons. These roll forwards were agreed by Council on 21 May .

2 Monitoring statements

2.1 The monitoring statements are appended to this covering report. The format of the statement follows the same format as that used when the budget was considered by the Council. There are the following statements (in order);

- Budget summary
- Planning committee
- CCEG committee
- CCEG committee: detail
- Finance committee
- Finance committee: detail

2.2 The monitoring statement breaks down to the lowest level of budget detail.

NB there is no detail for the planning committee as there are only a few budgets for this committee.

2.3 The statements are drawn from, and reconcile to, the final trial balance produced by the Council's external accountancy provider. They also reconcile to the Annual Return as follows (there is a £1 rounding difference);

Annual Return-Receipts and payments lines	£
Box 2- Precept	-372,145
Box 3- total other receipts	-33,595
Box 4- staff costs	135,266
Box 6- all other payments	191,980
Surplus per Annual Return	-78,494
Surplus as per budget monitoring report	-78,495

3 Commentary on statements

3.1 Planning Committee

a. Net spend of £14,614 is shown against the 12-month budget of £25,000.

b. The timing of spend is determined by the work cycle of the Neighbourhood Plan. In the last monitoring report, it was stated, *'It is unlikely that there will be substantial additional expenditure in the final quarter of the year leading to an increased underspend by the year-end. This will reflect the fact that the timescale for the Plan has been later than originally anticipated. Obviously, the planned work will still need to be done and funded. It is likely that there will be a future request to roll forward part of any unspent budget as at 31 March 2018'*. Council on 21 May approved a roll forward of £11,000 of the budget.

3.2 CCEG committee

a. Net spend of £74,013 is shown against the 12-month budget to date of £123,500.

b. In considering this underspend against the budget to date it should be noted;

- The £15,000 budget to contribute to the Castle Park development group will not be spent in 2017/18 due to the need to re-submit the lottery bid. Council on 21 May agreed to roll forward this unspent budget.
- The £10,000 budget for supporting Britain in bloom was not spent as the actual project timeline for expenditure is later than originally anticipated. Council on 21 May agreed to roll forward this unspent budget.
- In agreeing its budget at its February meeting, the council agreed that the CCEG committee could carry forward any underspend in 2017/18 in to 2018/19, up to a maximum of £20,000. This was agreed to help offset the reduction in the CCEG's budget for 2018/19. Council on 21 May agreed to carry forward £20,000.

3.3 Finance committee

- a. Net spend of £212,055 is shown against the 12-month budget of £218,388
- b. There are no significant budget variances.

3.4 Budget summary

The overall summary shows actual net expenditure of £293,650 compared to budgeted net expenditure of £359,857. This is a variance of £66,206. Of this, Council has agreed to carry forward £56,000 as additional budget in to 2018/19. After adjusting for this budget carry forward the net underspend would be £10,026, which is less than 3% of net expenditure.

4 Appendices

- Budget Monitoring Summary
- Planning Committee
- CCEG Committee
- CCEG Committee detail
- Finance Committee
- Finance Committee detail.

Officer contact Details

Asset transfer support offer- David Rawsthorn

Tel – 01768 452852

Email – assetofficer@penrithtowncouncil.co.uk

Budget monitoring statement: Summary

1 April to 31 March
2018

	Revised Budget 2017/18	Expend & Income	Variance
Planning committee	25000	14614	10386
CCEG committee	123500	74013	49487
Finance committee	218388	212055	6333
CTRS grant	-7031	-7031	0
Net Expenditure	359857	293650	66206
Precept	-372145	-372145	0
Contribution (-)to general reserves	-12289	-78495	66206

Budget monitoring: planning committee

31 March
1 April to 18

	Revised Budget 2017/18	Expend & Income	Variance
Officer support	6000	6335	-335
Planning consultancy	7000	7420	-420
Specialist consultancy fees		72	-72
Consultation events	7000	312	6688
Printing stationery	5000	475	4525
Net cost	25000	14614	10386

Budget monitoring statement: CCEG committee

31
1 April to March

		To 31 March 18		Detail
	Revised Budget 2017/18	Expend & Income	Variance	
Sports and recreation	20000	5000	15000	Note 2
Arts and entertainment	34000	16285	17715	Note 3
Environment	18200	8491	9709	Note 4
Tourism	23800	12987	10813	Note 5
Grants	27500	31250	-3750	Note 6
Net expenditure	123500	74013	49487	

CCEG committee:**DETAIL**

		Revised	To 31 March 18	
		Budget	Expend	
		2017/18	&	
			Income	Variance
2	Sports and recreation			
	Castle Park Dev Group	15000	0	15000
	Fairhill play equipment grant	5000	5000	0
	Total	20000	5000	15000
3	Arts and entertainment			
	Events: officer support	5000	5785	-785
	Events: spend	48000	34500	13500
	Events: EDC			
	funding	-24000	-24000	0
	Cultural strategy	5000	0	5000
	Total	34000	16285	17715
4	Environment			
	Penrith in bloom	8000	8328	-328
	Britain in Bloom	10000	0	10000
	Community greening	200	163	37
	Total	18200	8491	9709
5	Tourism			
	Christmas lights/ events	13800	10000	3800
	Promoting Penrith/Inw invt	10000	2987	7013
	Total	23800	12987	10813
6	Grants			
	Inc sponsorship	27500	31250	-3750

Budget monitoring: finance committee

31 March
1 April to 18

	Budget 2017/18	Expend & Income	Variance	
Civic functions	3300	2253	1047	Note 2
Cost of democracy	1704	1545	159	Note 3
Staffing	131464	136688	-5224	Note 4
Staff costs recharged	0	-12120	12120	Note 5
Accommodation	31971.5	30794	1178	Note 6
IT	14728	15413	-685	Note 7
Communications	4200	5337	-1137	Note 8
Services	-1068	4167	-5235	Note 9
Data Protection	2000	1595	405	Note 10
Other overheads	17427	12692	4735	Note 11
Repairs and Renewals	12661	13692	-1031	Note 12
Net expenditure	218388	212055	6333	

Note 9 - Transfers of services and therefore grants receivable delayed.

Finance committee:

DETAIL		Budget 2017/18	Expend & Income	Variance
2	Civic function			
	Civic functions	1500	1746	-246
	Mayoral expenses	1000	74	926
	Civic regalia	300	318	-18
	Dep Mayor Exp	500	115	385
	Total	3300	2253	1047
3	Cost of Democracy			
	Annual meeting Members expenses	200	187	13
	Honours boards	200	54	146
	Total	1304	1304	0
4	Staffing			
	Gross wages	101328	105257	-3929
	Super	22062	20620	1442
	NI	6074	9390	-3316
	Training	2000	1422	578
	Total	131464	136688	-5224
5	Staff costs recharged			
	To planning	0	-6335	6335
	To CCEG	0	-5785	5785
	Total	0	-12120	12120
6	Accommodation			
	Move	25540	23220	2320
	Rent	5011.5	7076	-2065
	Heat, light and water	900	198	702
	Service charges	400	300	100
	Room hire	120		120
	Total	31971.5	30794	1178
7	IT			
	Telecoms/ IT	14728	15413	-685
	Total	14728	15413	-685
8	Communications			
	Advertising	1000	2974	-1974
	Website	1000	876	124
	Community engagement	500		500
	Signage, etc	1700	1486	214
	Total	4200	5337	-1137
9	Services			
	General	4000	3280	720
	Bring Site	-1400	-1400	0
	Allotments	1152	2387	-1235
	War memorials	-100	-100	0
	Benches	-1500		-1500

	Bus shelters	-780		-780
	Bandstand	-2230		-2230
	Monument	-810		-810
	Fairhill	600		600
	Total	-1068	4167	-5235
10	Data Protection	2000	1595	405
11	Other overheads			
	Printing and stationery	1200	1635	-435
	Postage	600	582	18
	Audit fees: internal	500	443	57
	Audit fees: external	600	600	0
	Insurance	2000	1606	394
	Bank charges/ interest	167	-320	487
	Accountancy	7700	6588	1112
	Legal Fees	3000		3000
	Licences	250		250
	Subscriptions	1410	1557	-147
	Total	17427	12692	4735
12	Repairs and renewals			
	R & R	12661	13692	-1031

BANK RECONCILIATIONS ARE NOT PUBLISHED AS THEY CONTAIN PERSONAL & SECURITY SENSITIVE DATA.

ITEM 7III

YEAR END REPORT BY THE INTERNAL AUDITOR – PENRITH TOWN COUNCIL FINANCIAL YEAR ENDING 31 MARCH 2018

I confirm I have, on the 23rd May 2018 undertaken an internal audit for the period 1st October 2017 - 31st March 2018 in accordance with the Account and Audit Regulations (England) 2015 as outlined in the Audit Plan approved by Council and incorporating any new requirements as outlined in “Governance and Accountability for Local Councils” A Practitioners’ Guide (England) March 2018. This report supplements the information reported in the first half -year audit.

1. Proper Bookkeeping

A clear audit trail exists from all primary accounts, which are produced on the Sage accounting package. The manual transitions provide a clear audit trail to fulfil the format required by the Account and Audit Regulations. All are balanced monthly and are accurate. Robust backup procedures exist to safeguard computer records.

2. Standing Orders/Financial Regulations/Transparency Legislation

The Council has documents tailored to the operation of Penrith Town Council. A methodical routine for the annual review and adoption of all governance documents ensures the Council has continuous compliance with Account and Audit Regulations.

The website sets a benchmark for local councils. It ensures the Transparency Code achieves the objective of fully informing the elector of the prudent spend of public monies, by the publishing of all required data.

3. Invoice procedure

A random check was made of invoices paid in the period. All comply with Financial Regulations and adheres to the principle of Best Value.

4. VAT

Vat has been recorded and the correct sum of £2832.37 has been identified for the final quarter of the financial year. 1st January 2018 – 31st March 2018.

5. Sct 137 Payments

Penrith Town Council is a General Power of Competence Council and Sct 137 spend is now not relevant.

6. Risk Management

The risk assessment documents were reviewed and adopted as noted in the first half-year report.

7. Internal Financial Controls

The financial management system recommended by the Town Clerk and subsequently adopted and approved by Council, is extremely risk adverse and fulfils all reporting requirements. There is a clear audit trail enabling verification of the accuracy of all documents produced by the External Accountant and the in-house team.

8. Register of Interest

Copies of all documentation are retained on file and members fulfil their obligation to advise and declare as appropriate and update their personal register.

9. Budgetary Control

A correct budget process is in place and the budget is monitored.

The accounting method enables immediate identification of monthly and cumulative spends to each budget heading. The financial reports presented by the Town Clerk enable the council to readily address any budget under/overspends and if necessary make the relevant virements

10. Cash Balances at the Bank

The balances at the bank as at the 31st March 2018 are considered adequate to enable the Council to fulfil budgeted expenditure, deliver planned projects and retain an adequate cash flow.

11. Income Controls

All income is promptly banked upon receipt.

12. Petty Cash/Clerk's Expenses/Corporate Credit Card

The Council does not operate a Petty Cash Account. Officers' spend is undertaken via a credit card which is settled in full as demanded on the payment date.

A reconciled account is notified to the members at each meeting.

Sums drawn are allocated to the appropriate budget head and VAT is identified and claimed.

13. Payroll Controls

PAYE/NIC records are undertaken externally and are properly operated and up to date.

All statutory payments to HMRC and Pension provider have been made. The accuracy of the deductions and payments is confirmed.

14. Asset Control

The Asset Register was reviewed and adopted and correctly documents acquisitions and disposals. The sum of £24793.61 at the 31st March 2018 is verified and documented in the Annual Governance and Accountability Return (AGAR) . All assets are adequately covered by insurance.

15. Bank Reconciliation

The core cash accounts are reconciled to the bank statements monthly and accurately state the financial cash position of the council. A member validates the information by a signature on the relevant bank statement/s.

16. Year End Accounts

Penrith Town Council produces accounts on an Income and Expenditure basis as required by the Accounts and Audit Regulations

Conclusion.

It is confirmed that Penrith Town Council is fully compliant with all Account and Audit Regulations, Transparency Legislation and all other statutory requirements.

In concluding the Internal Audit for the financial year 2017-18 I thank the Clerk for the provision of meticulous records. I would also commend the assistance of the Accountant for his thorough understanding of the requirements to convert the Sage records into the format required to comply with the local authority Account and Audit Regulations.

Georgina D. Airey – Internal Auditor. 24th May 2018.

Annual Internal Audit Report 2017/18

ENTER NAME OF AUTHORITY

This authority's internal auditor, acting independently and on the basis of an assessment of risk, carried out a selective assessment of compliance with relevant procedures and controls to be in operation during the financial year ended 31 March 2018.

The internal audit for 2017/18 has been carried out in accordance with this authority's needs and planned coverage. On the basis of the findings in the areas examined, the internal audit conclusions are summarised in this table. Set out below are the objectives of internal control and alongside are the internal audit conclusions on whether, in all significant respects, the control objectives were being achieved throughout the financial year to a standard adequate to meet the needs of this authority.

Internal control objective	Agreed? Please choose one of the following		
	Yes	No*	Not covered**
A. Appropriate accounting records have been properly kept throughout the financial year.	✓		
B. This authority complied with its financial regulations, payments were supported by invoices, all expenditure was approved and VAT was appropriately accounted for.	✓		
C. This authority assessed the significant risks to achieving its objectives and reviewed the adequacy of arrangements to manage these.	✓		
D. The precept or rates requirement resulted from an adequate budgetary process; progress against the budget was regularly monitored; and reserves were appropriate.	✓		
E. Expected income was fully received, based on correct prices, properly recorded and promptly banked; and VAT was appropriately accounted for.	✓		
F. Petty cash payments were properly supported by receipts, all petty cash expenditure was approved and VAT appropriately accounted for.	✓		
G. Salaries to employees and allowances to members were paid in accordance with this authority's approvals, and PAYE and NI requirements were properly applied.	✓		
H. Asset and investments registers were complete and accurate and properly maintained.	✓		
I. Periodic and year-end bank account reconciliations were properly carried out.	✓		
J. Accounting statements prepared during the year were prepared on the correct accounting basis (receipts and payments or income and expenditure), agreed to the cash book, supported by an adequate audit trail from underlying records and where appropriate debtors and creditors were properly recorded.	✓		
K. (For local councils only)			
Trust funds (including charitable) – The council met its responsibilities as a trustee.	Yes	No	Not applicable
			✓

For any other risk areas identified by this authority adequate controls existed (list any other risk areas on separate sheets if needed).

Date(s) internal audit undertaken

Name of person who carried out the internal audit

23/07/2018

IN AIRLEY

Signature of person who carried out the internal audit

Date

23/07/2018

*If the response is 'no' please state the implications and action being taken to address any weakness in control identified (add separate sheets if needed).

**Note: If the response is 'not covered' please state when the most recent internal audit work was done in this area and when it is next planned, or, if coverage is not required, the annual internal audit report must explain why not (add separate sheets if needed).

Section 1 – Annual Governance Statement 2017/18

We acknowledge as the members of:

PENRITH TOWN COUNCIL

our responsibility for ensuring that there is a sound system of internal control, including arrangements for the preparation of the Accounting Statements. We confirm, to the best of our knowledge and belief, with respect to the Accounting Statements for the year ended 31 March 2018, that:

	Agreed		
	Yes	No*	
1. We have put in place arrangements for effective financial management during the year, and for the preparation of the accounting statements.	✓		<i>prepared its accounting statements in accordance with the Accounts and Audit Regulations.</i>
2. We maintained an adequate system of internal control including measures designed to prevent and detect fraud and corruption and reviewed its effectiveness.	✓		<i>made proper arrangements and accepted responsibility for safeguarding the public money and resources in its charge.</i>
3. We took all reasonable steps to assure ourselves that there are no matters of actual or potential non-compliance with laws, regulations and Proper Practices that could have a significant financial effect on the ability of this authority to conduct its business or manage its finances.	✓		<i>has only done what it has the legal power to do and has complied with Proper Practices in doing so.</i>
4. We provided proper opportunity during the year for the exercise of electors' rights in accordance with the requirements of the Accounts and Audit Regulations.	✓		<i>during the year gave all persons interested the opportunity to inspect and ask questions about this authority's accounts.</i>
5. We carried out an assessment of the risks facing this authority and took appropriate steps to manage those risks, including the introduction of internal controls and/or external insurance cover where required.	✓		<i>considered and documented the financial and other risks it faces and dealt with them properly.</i>
6. We maintained throughout the year an adequate and effective system of internal audit of the accounting records and control systems.	✓		<i>arranged for a competent person, independent of the financial controls and procedures, to give an objective view on whether internal controls meet the needs of this smaller authority.</i>
7. We took appropriate action on all matters raised in reports from internal and external audit.	✓		<i>responded to matters brought to its attention by internal and external audit.</i>
8. We considered whether any litigation, liabilities or commitments, events or transactions, occurring either during or after the year-end, have a financial impact on this authority and, where appropriate, have included them in the accounting statements.	✓		<i>disclosed everything it should have about its business activity during the year including events taking place after the year end if relevant.</i>
9. (For local councils only) Trust funds including charitable. In our capacity as the sole managing trustee we discharged our accountability responsibilities for the fund(s)/assets, including financial reporting and, if required, independent examination or audit.	Yes	No	N/A
			✓

*Please provide explanations to the external auditor on a separate sheet for each 'No' response. Describe how the authority will address the weaknesses identified.

This Annual Governance Statement is approved by this authority and recorded as minute reference:

MINUTE REFERENCE
dated 25/06/2018

Signed by the Chairman and Clerk of the meeting where approval is given:

Chairman SIGNATURE REQUIRED
Clerk SIGNATURE REQUIRED

Other information required by the Transparency Codes (not part of Annual Governance Statement)
Authority web address

WWW.PENRITHTOWNCOUNCIL.CO.UK WEBSITE ADDRESS

Section 2 – Accounting Statements 2017/18 for

PENRITH TOWN COUNCIL

	Year ending		Notes and guidance
	31 March 2017 £	31 March 2018 £	
1. Balances brought forward	48,217	113,246	Total balances and reserves at the beginning of the year as recorded in the financial records. Value must agree to Box 7 of previous year.
2. (+) Precept or Rates and Levies	230,078	372,145	Total amount of precept (or for IDBs rates and levies) received or receivable in the year. Exclude any grants received.
3. (+) Total other receipts	41,451	33,595	Total income or receipts as recorded in the cashbook less the precept or rates/levies received (line 2). Include any grants received.
4. (-) Staff costs	109,387	135,266	Total expenditure or payments made to and on behalf of all employees. Include salaries and wages, PAYE and NI (employees and employers), pension contributions and employment expenses.
5. (-) Loan interest/capital repayments	0	0	Total expenditure or payments of capital and interest made during the year on the authority's borrowings (if any).
6. (-) All other payments	97,113	191,980	Total expenditure or payments as recorded in the cash-book less staff costs (line 4) and loan interest/capital repayments (line 5).
7. (=) Balances carried forward	113,246	191,740	Total balances and reserves at the end of the year. Must equal (1+2+3) - (4+5+6).
8. Total value of cash and short term investments	123,016	214,895	The sum of all current and deposit bank accounts, cash holdings and short term investments held as at 31 March – To agree with bank reconciliation.
9. Total fixed assets plus long term investments and assets	15,329	24,794	The value of all the property the authority owns – it is made up of all its fixed assets and long term investments as at 31 March.
10. Total borrowings	0	0	The outstanding capital balance as at 31 March of all loans from third parties (including PWLB).
11. (For Local Councils Only) Disclosure note re Trust funds (including charitable)	Yes	No	The Council acts as sole trustee for and is responsible for managing Trust funds or assets.
		✓	N.B. The figures in the accounting statements above do not include any Trust transactions.

I certify that for the year ended 31 March 2018 the Accounting Statements in this Annual Governance and Accountability Return present fairly the financial position of this authority and its income and expenditure, or properly present receipts and payments, as the case may be.

Signed by Responsible Financial Officer

SIGNATURE REQUIRED

Date

25/06/2018

I confirm that these Accounting Statements were approved by this authority on this date:

25/06/2018

and recorded as minute reference:

MINUTE REFERENCE

Signed by Chairman of the meeting where approval of the Accounting Statements is given

SIGNATURE REQUIRED



Penrith Town Council

FULL COUNCIL 25 June 2018

FAIRHILL PLAYING FIELD INCOME DUE FROM EDEN DISTRICT COUNCIL

AUTHOR: Ian Parker – Services and Contracts Manager

LEAD MEMBER: CLLR DAVID WHIPP

ITEM NUMBER: 8

To note the position with regards to income due to Penrith Town Council (PTC) from Eden District Council (EDC) in relation to Fairhill Playing Field and to determine a course of action to progress monies due.

RECOMMENDATIONS

- I.** That the Town Council determines its response to Eden District Council's request to accept a reduced income for the Fairhill Playing Field by 50% to that confirmed within the legal agreement (Appendix A); or to maintain that the income due as set out in the legal agreement is honored.
- II.** That Members resolve that Officers, the Mayor and the lead member for devolution arrange a meeting with Eden District Council's Head of Paid Service to discuss the matter further.
- III.** Subject to no change in stance from Eden District Council to the satisfaction of the Town Council, Members resolve to instruct its Solicitors to formally commence a process of recovering the monies owed as set out in the legal transfer agreement.

1. LAW: LINK TO COUNCIL

Subject	Power	Legislation
Devolution of Services and Assets	Power to acquire to land by agreement, to appropriate land, and to dispose of land. Power to accept gifts of land	LGA 1972 subsections 124, 126, 127. LGA 1972, section 139

2. LINKS TO COUNCIL PRIORITIES

The devolution of services and assets to the Town Council supports the 'health and wellbeing' priority. One element of this priority is to assume responsibility for devolved assets and services that contribute to the quality of life for residents.

3. FAIRHILL PLAYING FIELD

BACKGROUND

- 3.1** Penrith Town Council (PTC) has approved its devolution of services plan and has already begun to receive assets from Eden District Council (EDC). Fairhill Playing Field was an asset included within Tranche 1. PTC approved the terms for the basis for the transfer of Fairhill at Full Council on the 15 May 2017.
- 3.2** Members are informed that EDC considered a report to its Full Council, Report CD40/17, Devolution of Services to Parish Council's, 13 July 2017 where EDC approved the payment methodology for the devolution process, and further resolved that where there will be variations in the contracts due to the changes, the Assistant Director of Technical Services be authorised to mitigate the financial impact through variations in the contracts.
- 3.3** As negotiations and due diligence progressed, PTC confirmed to EDC on the 23 October 2017 that the Town Council would not be seeking to use the District Council's Contractor for the Fairhill Grounds Maintenance Service. This clarification ensured that EDC had sufficient time to instruct its contractor of the impending changes ahead of the transfer date which at that time was to be 31 March 2018.

3.4 Fairhill Playing Field was transferred to PTC on the 03 April 2018. The transfer being concluded via the completion of a signed legal transfer agreement (Appendix A).

3.5 As part of the devolution protocol PTC is to receive an annual grant payment from EDC, which reduces over a four-year period. The payments due to PTC as set out in paragraph 7.2 of the legal agreement are:

2018-19 £13,218

2019-20 £9,914

2020-21 £6,609

2021-22 £3,305

3.6 For the current financial year PTC is due to receive £13,218 from EDC. The income was due on the 01 May 2018. The income was not received.

3.7 No communication was forthcoming from EDC prior to the payment date outlining that the payment would not be made. It was left with PTC Officers to follow up with EDC the position regards the monies due.

3.8 The Services and Contracts Manager and the lead Member for Devolution arranged to meet with representatives of EDC on the 08 May 2018, at which EDC confirmed that they were not making the payment to PTC as set out in the agreement. EDC stated the reason for not making the payment was that EDC had completed the legal agreement with PTC prior to the commencement of negotiations with its own Contractor for the cessation of the Fairhill Grounds Maintenance Service, and as such EDC had not reached an agreement as to what their saving would be from cancelling the contract. This is despite the period of time that EDC had to complete this task following the approvals and clarifications set out in paragraph 3.2 and 3.3 above.

3.9 At the meeting with EDC on the 08 May 2018, PTC representatives agreed to accept part payment of the income due as expenditure was already being incurred by PTC. PTC agreed to accept 25% (£3304.50) of the income due which was received on the 23 May 2018. At the same meeting it was agreed that all PTC representatives would consider the situation overnight.

3.10 Council officers, the lead Member for Devolution and the Mayor convened the following day and agreed to seek the advice of PTC's Solicitors. Advice was received from the Solicitors who confirmed that the agreement was legally binding, and PTC should:

"seek demand for full payment"

3.11 PTC confirmed its position to EDC in writing on the 15 May 2018 confirming that:

“The Agreement is fully legally binding, and Eden District Council should pay the sums set out in clause 7, paragraph 7.2 on the stated dates’

CURRENT POSITION / EDC RESPONSE

3.12 PTC received a written response from EDC on 15 June 2018 (Appendix B). EDC has outlined its position that the legal transfer was signed before the negotiations with its contractor to remove the Fairhill Work from its contract were concluded. They further outline that the drawing up and signing of the legal agreement was in ‘good faith’ and are requesting that PTC considers:

‘amending the agreement to accept a lower payment of 50% of the cost of the maintenance budget’.

3.13 Should the Council seek to not renegotiate the signed legal agreement, then the Council will be at an impasse with EDC with a legal agreement signed and 75% of monies due remaining outstanding. It is therefore recommended that in this instance Officers, the lead Member for Devolution and the Mayor are authorised to meet with EDC’s Head of Paid Service to discuss the matter further.

3.14 Should the meeting with EDC’s Head of Paid Service still result in an impasse, then it is recommended that PTC resolves to instruct its Solicitors to seek full payment via a legal process. When instructing the Solicitors, they are asked to give consideration to applying interest to the monies due.

LEGAL OPINION

3.15 PTC’s solicitors have confirmed that the legal agreement is fully binding, and that EDC are bound by the contract.

3.16 The Solicitors have outlined that any renegotiation of the terms of the Agreement (including payments) is at the discretion of both parties, and if one party does not wish to renegotiate there is no obligation for them to do so.

3.17 Any renegotiation would require both parties to agree the new settlement. This would then require a variation of the Contract by the way of a separate Agreement.

PARTNERSHIP WORKING

3.18 PTC remain committed to working with EDC to take forward the Devolution process. So far officers and members from both organisations have worked constructively to achieve agreed outcomes, and it is fully expected that this relationship will continue going forward, despite this issue at Fairhill.

4. FINANCE IMPLICATIONS

- 4.1** The income due for the 2018/19 financial year is £13,218. The income was due to PTC on the 01 May 2018.
- 4.2** PTC has confirmed its position to EDC in writing on the 15 May 2018 stating that the Agreement is fully legally binding, and Eden District Council should pay the sums set out in clause 7, paragraph 7.2 on the stated dates’.
- 4.3** To date income has been received in part this being 25% (£3304.50) on the 23 May 2018. There is an overdue balance owed of £9913.50.

5. RISK ASSESSMENT

Risk	Consequence	Controls Required
Not receiving income	No available budget to pay for maintenance and upkeep of the assets, including any unforeseen emergency works.	Request for full payment.
Default on legally binding agreement.	No available budget to pay for maintenance and upkeep of the assets. Conflict situation with partners. Loss in Trust	Request for full payment. Seek legal support

Officer contact Details

Ian Parker Services and Contracts Manager

Email: scmanager@penrithtowncouncil.co.uk

Tel: 01768 899773

Enclosed:

Appendix A – Agreement between Eden District Council and Penrith Town Council

Appendix B – EDC letter to PTC 'Fairhill Clarification'

THIS AGREEMENT dated the 3rd day of April 2018

BETWEEN

- (1) **EDEN DISTRICT COUNCIL** of Town Hall, Penrith, Cumbria CA11 7QF ('the District Council')
- (2) **PENRITH TOWN COUNCIL** of Unit 1, Church House, 19-24 Friargate, Penrith CA11 7XR ('the Town Council')

1. Definitions and Interpretation

- 1.1 "the Completion Date" means the 3rd day of April 2018
- 1.2 "the Landscape Plan" means plan number 80043758-01-ADV-FHC-99-DR-L -00001 annexed hereto
- 1.3 "the Price" means **ONE POUND (£1)**
- 1.4 "the Property" means Land at Fairhill, Penrith more particularly delineated and edged red on Plan 1 attached hereto.
- 1.5 "the Retained Land" means the all of the land within HM Land Register title number CU129196 save for the Property
- 1.6 "Standard Conditions" means the Standard Conditions of Sale (5th Edition) and "Standard Condition" is to be construed accordingly
- 1.7 Reference to persons include bodies corporate and vice versa
- 1.8 Words importing one gender shall be construed as importing any other gender
- 1.9 Words importing the singular shall be construed as importing the plural and vice versa
- 1.10 The clause headings do not form part of this Agreement and shall not be taken into account in its construction or interpretation
- 1.11 Save where otherwise stated any reference to a numbered clause paragraph or schedule means the clause paragraph or schedule in this Agreement which is so numbered

2. Agreement for Sale

The District Council shall sell and the Town Council shall purchase the Property at the Price

3. Title

Title to the part of the Property shown edged red on the Plan is registered at HM Land Registry with absolute freehold title under title number CU129196 and title shall be deduced by production of official copies of the register the filed plan and any other documents referred to


4. Possession


The Property is sold with vacant possession on completion

5. Capacity

The District Council sells with full title guarantee

6. Rights

6.1 The Property is sold together with the benefit of but subject to all rights, reservations, restrictions and covenants contained or referred to in the Transfer of adjoining land near the northern corner by the District Council to United Utilities Water Limited dated 28 March 2018. 

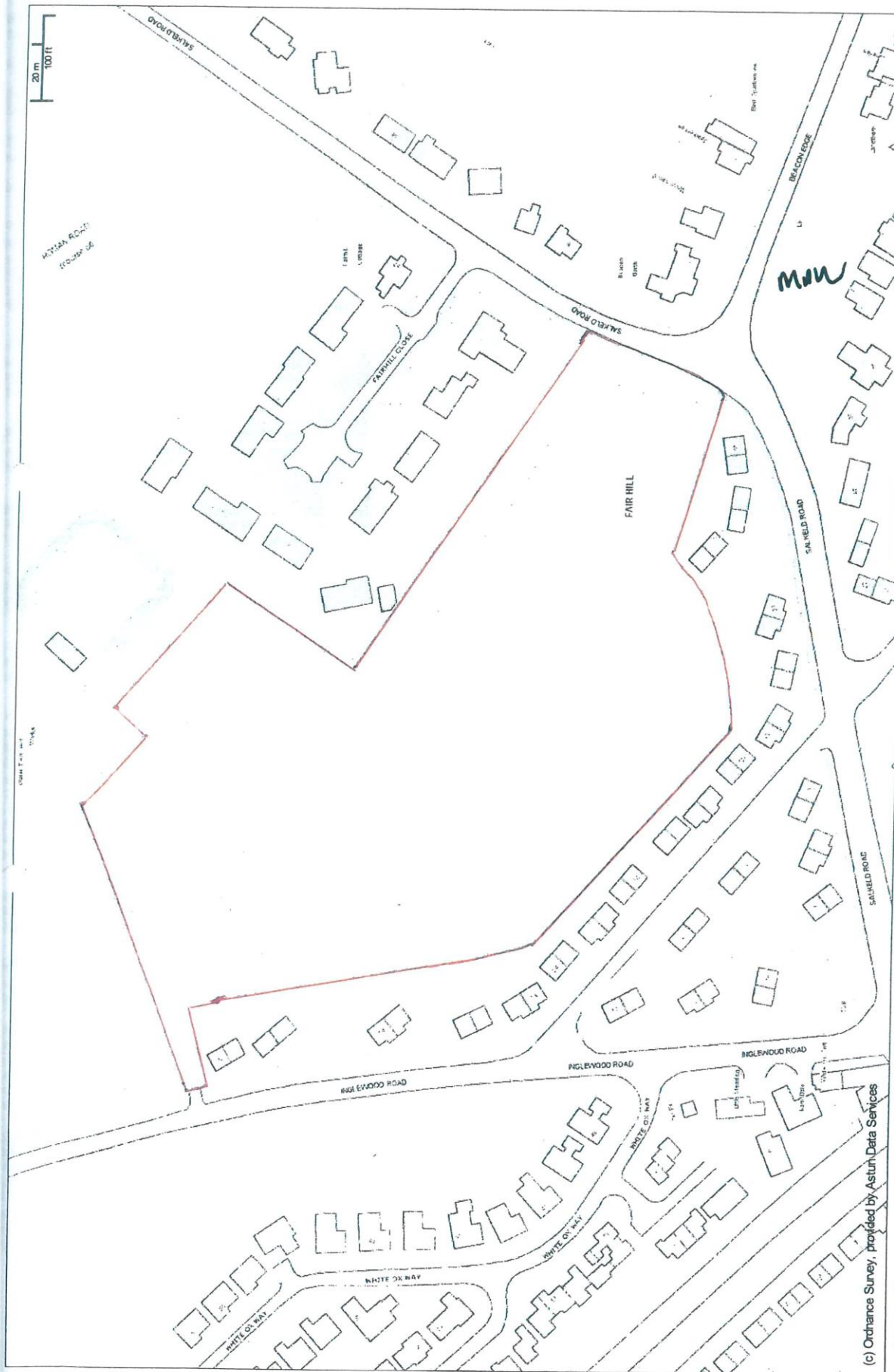
6.2 The District Council hereby assigns to the Town Council the benefit clause 8.5 of a Contract for the sale of the said adjoining land made between Eden District Council (1) and United Utilities Water Limited (2) dated 28 March 2018 (the "UU Contract") whereby United Utilities Water Limited agree to in the first planting season after completion thereof to carry out the planting shown on attached Landscape Plan as required by planning permission 16/0959 if unfulfilled at the Completion Date. 

6.3 Clause 6.2 shall not merge upon completion hereof.

6.3 The District Council shall on Completion pay to the Town Council the sum of £4,000 (Four Thousand Pounds) for the future maintenance of the planted area referred to in the UU Contract clause 8.5 aforesaid.

7. Maintenance

7.1 The District Council shall pay to the Town Council the capital receipt of proceeds of sale of its very recent transfer to United Utilities in accordance with the UU Contract referred to in clause 6.2 above being a sum of four thousand five



Eden
District Council
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Enter map title
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Printed on: 19/02/2018 at 9:54 AM by bhavana

hundred pounds (£4,500.00) and the Town Council covenants to use this sum for the benefit and improvement of the Property and particularly so far as possible for the improvement of the playground and other safe play areas.

7.2 The District Council has incurred annual maintenance costs of approximately fourteen thousand pounds (£14,000.00). The District Council agrees to pay to the Town Council provided the Town Council owns the whole property for each applicable period contributions towards the Town Council's future maintenance as follows:

- For the financial year from 1st April 2018 to 31st March 2019 the sum of thirteen thousand two hundred and eighteen pounds payable on 1st May 2018
- For the financial year from 1st April 2019 to 31st March 2020 the sum of nine thousand nine hundred and fourteen pounds (£9,914.00) payable on the 1st May 2019
- For the financial year from 1st April 2020 to 31st March 2021 the sum of six thousand six hundred and nine pounds (£6,609.00) payable on the 1st May 2020
- For the financial year from 1st April 2021 to 31st March 2022 the sum of three thousand three hundred and five pounds payable on the 1st May 2021

7.3 The provisions of this clause shall not merge or be extinguished upon Completion

8. Incumbrances

The Transfer of the Property shall be in the form of the draft Transfer attached hereto containing the agreements, covenants and restrictions therein mentioned.

9. General Subjections

9.1 The Property is sold subject to:

- 9.1.1** all Local Land Charges whether registered or not before the date hereof and all matters capable of registration as Local Land Charges whether or not actually registered
- 9.1.2** all notices served and order demands proposals or requirements made by any Local or Public Authority after the date of this Agreement

- 9.1.3 all actual or proposed orders directions notices charges restrictions conditions agreements and other matters arising under any statute affecting the Property including environmental matters
- 9.1.4 any overriding interests as defined in Schedules 1, 3 or 12 of The Land Registration Act 2002
- 9.1.5 all matters contained or referred to in the Registers of Title Number CU129196

10 Completion

Completion of the sale of the Property shall take place on the Completion Date

11. Inspection of the Property

The Town Council admits that it has inspected the Property and have entered into this Contract solely on the basis of that inspection and that no representation has been made to them prior to the date hereof by the District Council or its agents concerning the subject matter of this Contract which has influenced induced or persuaded it to enter into this Agreement (save for written replies given by the District Council's Solicitors to any preliminary enquiries raised by the Town Council or the Town Council's Solicitors). This provision shall not merge or be extinguished upon Completion

12. Incorporation of Conditions of Sale

- 12.1 This Agreement incorporates the Standard Conditions. If there is a conflict between those Conditions and this Agreement, this Agreement prevails
- 12.2 Terms used or defined in this Agreement have the same meaning when used in the Standard Conditions
- 12.3 For the purpose of Section 6(2)(a) of the Law of Property (Miscellaneous Provisions) Act 1994 all matters now recorded in registers open to the public are deemed to be within the actual knowledge of the Buyer

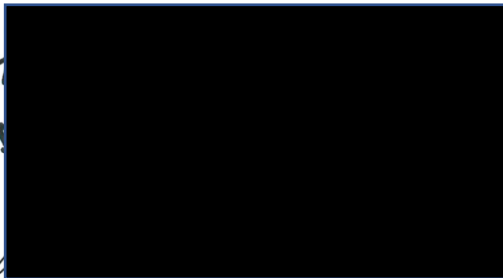
13. Restriction on Assignment

This Agreement is personal to the parties hereto and shall not be capable of assignment without the prior written consent of the District Council and the District Council shall not be required to approve or seal a Transfer of the Property or any part thereof to any person or body other than the Town Council.

14. Contracts (Rights of Third Parties) Act 1999

The parties do not intend that any term of this Agreement should be enforceable by any third party as provided by the Contracts (Rights of Third Parties) Act 1999 but any third party rights which are available independently of that Act are preserved

SIGNED on behalf of
the District Council

A large black rectangular redaction box covering the signature of the District Council representative.

e

SIGNED on behalf of
the Town Council

Chairman Penrith Town Council

Your Reference:
 Our Reference:
 Enquiries to:
 Direct Dial:
 Email: [REDACTED]@eden.gov.uk
 Date: 15 June 2018



District Council

Mansion House, Friargate, Penrith, CA11 7YG
 Tel: 01768 817817

Penrith Town Council
 Unit 1, Church House
 19-24 Friargate
 Penrith
 Cumbria CA11 7XR

Dear Councillor Whipp

Fairhill Clarification

Councillor Todd has passed me your letter dated 15 May 2018 and has asked me to respond on behalf of the District Council.

Throughout the devolution process Officers from both Councils have worked together closely to facilitate the transfer of assets. Agreements were reached on work to be undertaken to bring the assets up to a standard that enabled them to be transferred to the Town Council. In terms of Fairhill this included repairs to the northern boundary wall. Furthermore the District Council agreed to make the transfers at nominal consideration.

As part of the agreement to transfer the annual maintenance costs the Council also agreed to transfer £4500 received from the sale of a transfer of land to United Utilities and the sum of £4000 for the future maintenance of the planted area.

Within the legal transfer the full cost of the maintenance budgets of £14,000 is include the main part of this is attributed to the cost of grass cutting. You are aware from our meeting on 8 May 2018 that unfortunately the legal transfer was signed before the negotiations with our Contractor to remove this work from the contract were concluded. The outcome of the negotiations with the Contractor is that the actual saving on the contract are significantly less than the contract rates and it leaves the District Council in the position of effectively paying for this work twice.

The drawing up and signing of the legal agreement was on the basis of good faith and I therefore request, in this spirit of good faith, that Town Council agrees to the amendment of the agreement to accept a lower payment of 50% of the cost of the maintenance budget. This amount would be sufficient to pay for the Town Council's maintenance cost and additional monies to undertake improvement works.

I would also draw your attention to Tara Hill where as part of the asset transfer negotiations the Town Council asked for the bus shelter to be removed. Following complaints and a consultation exercise the shelter was reinstated by the Town Council with the District Council agreeing to contribute 50% of the purchase cost of the new shelter.

I therefore request that the Town Council reflects on the fact that the arrangements were entered into in a spirit of good faith and not with a view to the Town Council inadvertently making an operating surplus on the arrangements. I therefore ask that the Town Council gives positive consideration to the proposals that I have made regarding the adjustment of the maintenance budget. That would enable discussions to proceed positively on further devolution proposals .

Yours sincerely





Penrith Town Council

COUNCIL 25 JUNE 2018

DRAFT NEIGHBOURHOOD PLAN

AUTHOR:

Rosalyn Richardson
Deputy Town Clerk

SUPPORTING MEMBER:

Councillor Peter Baker, Chairman of the
Neighbourhood Plan Group

ITEM NUMBER: 9

The purpose of this report is to ensure that all Members view the Neighbourhood Plan documentation prior to undertaking additional informal public consultation.

RECOMMENDATIONS

1. That Members approve the draft Neighbourhood Plan, as recommended by the Neighbourhood Plan Group, for informal public consultation; and
2. The gratitude of the Town Council be conveyed to everyone who has been involved in the production of the Neighbourhood Plan so far.

1. LAW: LINK TO COUNCIL FUNCTIONS

SUBJECT

POWER

LEGISLATION

Neighbourhood Plan

Section 116 Localism
Act 2011 Schedules 9,
10 & 11

2. LINKS TO COUNCIL PRIORITIES

Development of a Neighbourhood Plan supports the strategic priorities of:
Health and Wellbeing, Economic Development, Transport and Growth.

3. BACKGROUND

- 3.1 The Executive of Eden District Council designated Penrith as a neighbourhood plan area on 6 September 2016. The designated area is the same as the Town Council boundary.
- 3.2 Kirkwells, who are experienced Planning Consultants, were appointed in November 2016 to provide support for the delivery of a Neighbourhood Plan.
- 3.2 A steering group was set up to progress the plan and comprised of Town Councillors who are on the Planning Committee, Town Councillors with expertise or interest in the development of the plan, together with representatives from Cumbria Action for Sustainability (CAFs), Penrith Action with Communities in Transition (PACT), Penrith Business Improvement District (BID), Penrith Chamber of Trade, Cumbria Youth Alliance, Eden Valley Artistic Network, Churches Together, Ullswater Community College, Queen Elizabeth Grammar School, Newton Rigg and an individual representing health and minority issues.
- 3.3 Extensive community engagement was undertaken during March to May 2017 to gather the views of residents, businesses and visitors. The key issues facing Penrith were raised by the public and the policies that have been developed reflect some of the concerns raised. As some concerns were not planning matters they could not be considered other than as supporting actions for the Town Council. Some concerns have already been addressed and progressed with Cumbria County Council.
- 3.4 A meeting was held with Eden District Council's Planning Policy Officer who offered some advice which was incorporated within the Plan.
- 3.5 The Neighbourhood Plan Group are proposing to undertake additional informal public consultation to determine whether the policies and supporting actions reflect the initial feedback. Following analysis of the feedback, the Neighbourhood Plan will be amended as appropriate before the formal 6-week pre-submission consultation is undertaken.

4. FINANCE IMPLICATIONS

The financial implications for Penrith Town Council relate to officer time for attending meetings, analysing information, undertaking research, amending and formatting documentation, preparation of appendices and mapping.

5. RISK ASSESSMENT

It is important that the Town Council has a Neighbourhood Plan to help influence how the town develops. The risk of not having an adopted Neighbourhood Plan which takes into account the views of the residents, businesses and visitors is that Penrith develops with no opportunity for the Town Council to shape and influence development.

6. APPENDICES ATTACHED TO THIS REPORT

Draft Neighbourhood Development Plan and associated appendices

7. BACKGROUND PAPERS

Comments and feedback provided by the public as part of the initial consultation.

8. OFFICER CONTACT DETAILS

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Email: deputytownclerk@penrithtowncouncil.co.uk

For the attention of:

Cllr. Baker	Penrith Pategill Ward
Cllr. Bowen	Penrith East Ward
Cllr. Briggs	Penrith East Ward
Cllr. Burgin	Penrith South Ward
Cllr. Clark	Penrith South Ward
Cllr. Connelly	Penrith West Ward
Cllr. Donald	Penrith North Ward
Cllr. Jackson	Penrith North Ward
Cllr. Kenyon	Penrith North Ward
Cllr. Lawson	Penrith Carleton Ward
Cllr. Monk	Penrith West Ward
Cllr. Thompson	Penrith West Ward
Cllr. Whipp	Penrith North Ward